

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK

CHRISTINE M. NAPIERSKI, an aggrieved candidate
for public office in the Democratic Party, and
EUGENE E. NAPIERSKI, an enrolled voter of the
Democratic Party residing in the Town of
Guilderland, New York,

Plaintiffs,

-against-

ORDER TO SHOW CAUSE

THE GUILDERLAND DEMOCRATIC COMMITTEE,
THE ALBANY COUNTY DEMOCRATIC
COMMITTEE, JACOB CRAWFORD, individually
and as Chairman or Acting Chairman, Guilderland
Democratic Committee, JACK FLYNN, individually
and as Chairman, Albany County Democratic
Committee, ALBANY COUNTY BOARD OF
ELECTIONS, MATTHEW J. CLYNE, in his official
capacity as Commissioner, Albany County Board
of Elections, RACHEL L. BLEDI, in her official
capacity as Commissioner, Albany County Board
of Elections, BRYAN M. CLENAHAN, Candidate
for Guilderland Town Justice, and GREGORY J.
WIER, Candidate for Guilderland Town Highway
Superintendent,

Case No. 1:18-cv-846 (MAD/DJS)

Defendants.

P R E S E N T :

MAE A. D'AGOSTINO
United States District Judge

UPON the Declaration of Andrew S. Holland, the Affidavit of Andrew S. Holland,
the Affidavit of Christine M. Napierski, the Affidavit of Eugene E. Napierski, the Affidavit
Christopher K. Dennis, and the Memorandum of Law, it is hereby **ORDERED** as follows:

LET defendants show cause before this Court on the _____ day of
_____, 2018, at _____ a.m./p.m., why an Order

should not be issued pursuant to Fed.R.Civ.P. 65(a) granting a preliminary injunction prohibiting defendants THE GUILDERLAND DEMOCRATIC COMMITTEE (“GDC”), THE ALBANY COUNTY DEMOCRATIC COMMITTEE, JACOB CRAWFORD, AND JACK FLYNN from holding a caucus pursuant to N.Y. Election Law § 6-108 to elect the positions of Town Justice and Town Highway Superintendent in the Town of Guilderland, County of Albany, New York, until such time as this Court determines that those defendants have complied with the Americans With Disabilities Act of 1990 (“ADA”), the New York State Human Rights Law (“NYSHRL”), and the First, Fourteenth, and Twenty-Fourth Amendments of the United States Constitution; granting a preliminary injunction prohibiting defendants ALBANY COUNTY BOARD OF ELECTIONS, MATTHEW J. CLYNE, and RACHEL L. BLEDI, from certifying or taking any action with respect to any nomination by the GDC for the Democratic candidates for Town Justice or Town Highway Superintendent in the Town of Guilderland, and such other and further relief as this Court deems just, equitable, and appropriate; and it is further

ORDERED pursuant to Fed.R.Civ.P. 65(b), that pending final determination on this motion, defendants THE GUILDERLAND DEMOCRATIC COMMITTEE, JACOB CRAWFORD, THE ALBANY COUNTY DEMOCRATIC COMMITTEE, AND JACK FLYNN, are hereby **RESTRAINED, ENJOINED, AND PROHIBITED** from holding a caucus pursuant to N.Y. Election Law § 6-108 to elect the positions of Town Justice and Town Highway Superintendent in the Town of Guilderland, County of Albany, New York, and defendants ALBANY COUNTY BOARD OF ELECTIONS, MATTHEW J. CLYNE, and RACHEL L. BLEDI are hereby **RESTRAINED, ENJOINED, AND PROHIBITED** from certifying or taking any action with respect to any nomination by the GDC for the

Democratic candidates for Town Justice or Town Highway Superintendent in the Town of Guilderland; and it is further

ORDERED that plaintiffs shall cause defendants to be served a copy of this Order to Show Cause with supporting papers by overnight delivery to the addresses contained in the Summonses issued by the Clerk in this Action, or by personal service, and shall cause the Attorney General of the State of New York to be served a copy of this Order to Show Cause with supporting papers in accordance with Fed.R.Civ.P. 5.1; and it is further

ORDERED that papers in opposition to plaintiffs' motion must be filed and served on or before _____, and papers submitted in reply thereto must be filed and served on or before _____; and it is further

ORDERED that this Court will conduct a hearing on the request for a preliminary injunction at the Courthouse located at 445 Broadway, Albany, New York 12207, on _____, at _____ a.m./p.m.

SO ORDERED, this _____ day of July, 2018.

Hon. Mae A. D'Agostino
UNITED STATES DISTRICT JUDGE